

January 28, 2025

VIA ECF

Hon. Dora L. Irizarry, U.S.D.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: McDonald's Corp. v. Vanderbilt Atlantic Holdings LLC, No. 19-cv-6471

Dear Judge Irizarry:

Counsel for Plaintiff McDonald's Corporation and Counsel for Defendant Vanderbilt Atlantic Holdings LLC jointly submit this letter to inform the Court of the parties' availability for an estimated six (6)-day bench trial during the first three full weeks of May 2025, as requested by the Court at the pretrial conference on January 15, 2025.

After conferring with their witnesses, the parties agree that there are two possible options for the trial that maximize the number of consecutive days:

- (1) May 5th-8th, with the trial to continue May 20-22nd; or
- (2) May 12th-14th, with the trial to continue May 19th-22nd.

For Your Honor's reference, we provide the Court with unavailability of certain witnesses, which the parties have attempted to schedule around.

- Mr. Rottenberg (Vanderbilt's principal) and Ms. Locatell (Defendant's adverse witness/Plaintiff's rebuttal witness) are unavailable May 15th-16th for a religious holiday;
- Ms. Locatell is also unavailable May 7th, the morning of May 13th, and May 19th-20th;
- Mr. Tener (Defendant's witness) is unavailable May 5th-8th and May 12th-16th due to a trial scheduled in another matter, which is outside of this jurisdiction and in which he is serving as an expert witness. Defendant anticipates that Mr. Tener will not be able to testify until May 21st at the earliest, though we will endeavor to make him available as early as possible.

We thank the Court for its attention to this matter and look forward to hearing from the Court on its preferred trial dates for this action. Of course, we defer to the Court if it would prefer to reschedule the trial for a different set of days that the parties, witnesses, and the Court are available.

Respectfully submitted,

/s/ Denise Alvarez

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